



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Our Ref: 1038-1212 MIS:as

In re patent application

Application No.: 10/030,313

I.A. Filing Date: July 11, 2000

Applicant: Sheena M. Loosmore et al.

Title: MULTI-COMPONENT VACCINE TO PROTECT AGAINST
DISEASE CAUSED BY HAEMOPHILUS INFLUENZAE AND
MORAXELLA CATARRHALIS

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JUL 01 2003

OFFICE OF PETITIONS

June 13, 2003

The Commissioner of Patents
and Trademarks,
2011 S. Clark Place
Customer Window
Crystal Plaza 2 Lobby, Room 1B03
Arlington, Virginia 22202,
U.S.A.

FURTHER DECLARATION UNDER 37 CFR 1.47 (a)

I, Reza Yacoob, of 5353 Floral Hill Crescent, Mississauga, Ontario,
Canada, L5V 1V2, declare as follows:

1. I am the same Reza Yacoob who signed the Declaration under 37 C.F.R. 1.47(a) dated August 13, 2002 and have personal knowledge of the facts set forth herein.
2. I sent to Ken Sasaki by Federal Express on May 8, 2003 a copy of the Declaration and Power of Attorney with a request that it be signed and returned along with a copy of published PCT WO 01/05424 of which this application is the U.S. National Phase filing. This letter was addressed to his last known address, c/o NPS Pharmaceuticals. I included a return FedEx envelope. I append hereto as Exhibit I a copy of that letter.
3. This package was given FedEx tracking number 791375820060 and was delivered to NPS Pharmaceuticals on May 9, 2003 and signed for by a receptionist. I append as Exhibit II, a FedEx record of the tracking details.

4. On May 13, 2003, I telephoned Ken Sasaki at NPS Pharmaceuticals and spoke to him concerning signing the Declaration. Ken Sasaki confirmed he had received the shipment and indicated he would look at it and then decide if he wanted to sign it. I asked him to advise in this regard as soon as possible.

5. On May 21, 2003, I telephoned Ken Sasaki at NPS, but this time got his voice-mail. I left a message asking if he had signed the document and returned it. I requested that he call me back if he had any questions or concerns and to indicate if he would not sign the document and any reason therefor.

6. To date, I have received no return phone call and neither has the signed Declaration and Power of Attorney been received.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario, this 17 day of June, 2003


Reza Yasoo